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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,848	10/01/2004	Poh Leong Er	1008.P03US/CKM/jcc	4299
38556	7590	11/27/2007		
LAWRENCE Y.D. HO & ASSOCIATES PTE LTD 30 BIDEFORD ROAD, #02-02, THONGSIA BUILDING SINGAPORE, 229922 SINGAPORE			EXAMINER WALCZAK, DAVID J	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,848

Applicant(s)

ER, POH LEONG

Examiner

David J. Walczak

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18, 21, 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

It is initially noted that claims 8, 9, 19 and 20 appear to have been canceled by the Applicant. However, these claims are indicated as being "withdrawn" (via the status identifiers). Any response to this action should indicate that claims 8, 9, 19 and 20 are canceled via the status identifier "canceled".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 10 and 11 remain rejected under 35 U.S.C. 102(b) as being anticipated by Wuelker. In regard to claim 1, Wuelker discloses a roller applicator comprised of a frustoconically shaped applicator 11 having two opposite ends, a coupling portion 21 disposed at one end and an external surface between the two ends wherein the applicator is "rotatable" at the coupling portion about a rotary axis (i.e., upon the loosening of nut 21, the applicator is capable of rotating upon the stem 16), a chamber within the applicator wherein the end bearing the coupling portion 21 has a planar cross-section (viewing Figure 2, the "end bearing the coupling portion 21" is the end of the roller on the right side of the drawing) smaller than a corresponding cross-

section of the other opposite end (the opposite end being the end of the roller shown on the left) and a absorbable member 25 mounted to the exterior surface. It is noted that statements of intended use, i.e., "A paint roller" and "for storing paint" do not lend any patentable structure to claims. Further, the Wuelker device is capable of storing and dispensing paint should a user so choose to employ the device. In regard to claim 2, a movement coupler 16 is detachably coupled to the coupling portion 21. In regard to claim 3, the movement coupler 16, defines a rotary coupling portion adapted to coact with the coupling portion for rotary movement about the axis (the coupling portion rotates with respect to the applicator). In regard to claim 5, the applicator has a closable inlet 28. In regard to claim 6, the inlet 28 is disposed at one of the ends. In regard to claim 7, the chamber has a permeable portion 27 coupled to the absorbable member 25. In regard to claim 10, the coupling portion is disposed centrally relative to the planar cross-section of the coupling end. In regard to claim 11, an "abutment member" 29 is mountable to one of the ends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 12-18, 21 and 22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wuelker in view of Baril. In regard to claim 4, although the

Art Unit: 3751

movement coupler 16 is not a pivotal connecting portion which coacts with a pivot mount of a handle, attention is directed to the Baril reference, which discloses another roller applicator wherein the movement coupler 32 includes a pivotal connecting portion 26 which coacts with a pivot mount (the bolt connected via nut 34) on a handle 20 in order to enable the roller to pivot with respect to the handle and thereby render the roller more controllable. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such a pivoting handle into the movement coupler 16 of the Wuelker device in order to enable the roller to be more controllable. In regard to claims 12-18, 21 and 22, the above discussed combination of the Wuelker and Baril references discloses the claimed structure (as also discussed above).

Response to Arguments

Applicant's arguments filed 10/9/07 have been fully considered but they are not persuasive.

The Applicant is apparently contending that the Wuelker reference since the coupling portion is not at an end of the roller that has a smaller planar cross-section than the opposite end. However, as discussed in detail above, the coupling portion 21 is clearly located at the smaller end of the conical roller (see Figure 2).

The Applicant further seems to contend that the Wuelker reference is not applicable in that stem is not rotatable relative to the cylinder (apparently, the Applicant is contending that the applicator is not rotatable at the coupling portion as claimed).

Art Unit: 3751

However, as discussed above, the limitation of the applicator being "rotatable" at the coupling portion is met by the Wuelker device in that, upon loosening of the nut 21, the applicator is capable of rotating at the coupling portion.

In regard to claim 12, the Applicant contends that the combination of Wuelker and Baril fail to disclose all of the claimed features. The Applicant has not, however, disclosed specifically which elements are not shown by Wuelker and Baril. It appears that the Applicant is contending that the Baril reference does not disclose the pivot connection as claimed. As discussed above, however, the pivot connection of Baril discloses a handle 20 having a pivot mount (the bolt connected to the nut 34) and a movement coupler 32 detachably coupled to a coupling portion 50 and the pivot mount. Also as discussed above, such a pivoting handle can obviously be mounted to the movement coupler 16 of Wuelker.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


Art Unit: 3751

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huson Gregory can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David J. Walczak
Primary Examiner
Art Unit 3751

DJW
11/16/07